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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stearns Art Unit: 3764  
Serial No: 09/981,315 Examiner: Amerson

Filed: October 16, 2001

Title: EXERCISE METHODS AND APPARATUS

Certificate of Mailing

I hereby certify that this PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION is being sent via First Class mail, postage prepaid, to M.S. Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 25th day of September, 2007.

MAK  
Mark A. Krull

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION

M.S. Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant received a Notice of Abandonment indicating that the above-identified patent application was abandoned because no reply was received to an Office Action mailed on February 21, 2007. This abandonment was unintentional.

Applicant's undersigned representative spoke yesterday with the Examiner regarding both the Notice of Abandonment, and a telephone conversation that occurred soon after the Office Action was received. It was agreed during the more recent conversation that the previous conversation lead to a misunderstanding regarding whether or not a response must be filed in reply to the February 21, 2007 Office Action. In this regard, it was previously agreed that the originally filed declaration was proper (because it was a copy from the parent application), and Applicant's undersigned

representative was left with the impression that nothing needed to be filed in reply to the February 21, 2007 Office Action.

This Petition is being filed at the suggestion of the Examiner, pending a determination as to whether or not the Examiner can withdraw the abandonment in view of the miscommunication. In view of the foregoing, Applicant requests that this petition be held in abeyance pending such determination, and further, that this petition be granted without charge to Applicant on the basis of the miscommunication that occurred. In the event that a fee is ultimately required, Applicant requests that it be charged to USPTO Deposit Account No. 504033.

Respectfully submitted,

  
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Mark A. Krull  
Reg. No. 34,205

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